



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Pre-Inquiry Statement of Case for The Royal Borough of Kensington and Chelsea

Application by Notting Hill Gate KCS Ltd for planning permission at:

Newcombe House, 43-45 Notting Hill Gate, 39-41 Notting Hill Gate and 161-237 (odd) Kensington Church Street, LONDON, W11 3LQ

Council Reference:

PP/17/05782

GLA Reference:

3109a

PINS Appeal Reference:

APP/G6100/V/19/3225884

14 June 2019

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1.0 Introduction

- 1.1 This statement sets out the case for the Local Planning Authority, The Royal Borough of Kensington and Chelsea (the “Council”) in respect of the planning application submitted by Notting Hill Gate KCS Ltd (the “Applicant”) for full planning permission at Newcombe House, 43-45 Notting Hill Gate, 39-41 Notting Hill Gate and 161-237 (odd) Kensington Church Street, LONDON, W11 3LQ.
- 1.2 The application for full planning permission (referred to as the “Original Application”) was validated by the Council on 8 September 2017 for:
- Demolition of existing buildings and redevelopment to provide office, residential, and retail uses, and a flexible surgery/office use, across six buildings (ranging from ground plus two storeys to ground plus 17 storeys), with two storey basement together with landscaping to provide a new public square, ancillary parking and associated works.
- 1.3 The proposed masterplan is for a central public open space, lined by perimeter buildings with a mix of uses (residential, office, retail and surgery) and a finer urban grain. The proposed perimeter buildings are between 3 and 7 storeys above a two storey basement, and include a replacement district scaled tall building that rises to 18-storeys. The architecture is contemporary.
- 1.4 On 31 January 2018, subject to receiving no Direction to the contrary by the Mayor of London (“The Mayor”), the Planning Committee resolved to refuse the Original Application for the following reasons:
1. Height and architectural quality of tall building causing substantial harm to setting of heritage assets that would not be outweighed by public benefits;
 2. Loss of social rented homes and failure to provide the maximum reasonable amount of affordable housing; and
 3. Lack of completed legal agreement to secure necessary mitigation measures and infrastructure.
- 1.5 The Original Application was referable to the Mayor of London (“The Mayor”) and the Greater London Authority (“GLA”) produced Stage 1 and Stage 2 reports in relation to this application.
- 1.6 On 13 February 2018 the Council advised the Mayor of London of the Planning Committee’s decision.
- 1.7 On 26 March 2018, the Mayor of London issued a direction that he would act as the Local Planning Authority for the purposes of determining the Original Application.
- 1.8 Following discussions between the applicant and the GLA, the Original Application was amended (the amended scheme is referred to as the “Application Proposals”), although the Application Proposals still propose the demolition of existing buildings and redevelopment to provide office, residential, and retail uses, and a flexible surgery/office use, across six buildings (ranging from ground plus two storeys to ground plus 17 storeys), with two storey basement together with landscaping to provide a new public square, ancillary parking and associated works.
- 1.9 The amendments to the Original Application contained in the Application Proposals are as follows:

- Increase in office floorspace by approximately 414 sqm (GEA);
 - Increase in residential floorspace by approximately 593 sqm (GEA);
 - Increase in on-site affordable housing from 9 to 23 units;
 - Alterations to the housing mix although retains mix of 1, 2, 3 and 4-bed homes;
 - Amended massing to Kensington Church Street Building 1 (from 4 storeys to 5 storeys) and West Perimeter Building 3 (from 5 storeys to 7 storeys);
 - Alterations to the layouts of Kensington Church Street Buildings 1 and 2, and West Perimeter Buildings 1 and 3, with associated changes to the facades;
 - Minor alterations to the façade of the Corner Building on levels 4, 5, and 6 in response to the revised massing of West Perimeter Building 3; and
 - Minor alterations to the services strategy for West Perimeter Building 2
- 1.10 The Council was consulted on these amendments by the GLA on 16 July 2018 and raised objection to the Application Proposals for the following reasons:
1. Height and architectural quality of tall building and increased massing to KCS1 and WPB3 causing substantial harm to setting of heritage assets that would not be outweighed by public benefits;
 2. Loss of social rented homes and failure to provide the maximum reasonable amount of affordable housing; and
 3. Lack of completed legal agreement to secure necessary mitigation measures and infrastructure.
- 1.11 The GLA's Stage 3 report recommended the application for approval to the Mayor.
- 1.12 On 18 September 2018 the Council objected to the Application Proposals at the Mayor's Representation Hearing.
- 1.13 On 18 September 2018 the Mayor resolved to grant planning permission for the Application Proposals subject to the completion of a Section 106 legal agreement. The agreement is yet to be completed.
- 1.14 On 29 November 2018 the Secretary of State issued a holding direction which prevented the Mayor from issuing his decision on the Application Proposals.
- 1.15 On 14 March 2019 the Secretary of State directed that the Application Proposals shall be referred to him instead of being dealt with by the Mayor.
- 1.16 The Application Proposals will be determined by the Secretary of State at an Inquiry in November 2019.
- 1.17 This Statement sets out in summary form the case that the Council will make at the Inquiry and the documents that the Council intends to rely upon. It is envisaged that a Statement of Common Ground and a Core Document List will be agreed with the Applicant prior to the Inquiry.

2.0 The Application Site and Surroundings

Location

- 2.1 The Application Site is bounded by Notting Hill Gate to the north, Kensington Church Street to the east, Kensington Place to the south, and the Circle and District line and a London Underground Limited substation to the west. The Application Site currently contains a number of linked blocks, a surface car park of 61 spaces, Newcombe Street and part of Uxbridge Street. The buildings comprise:
- Newcombe House; an office building (Class B1) of 12 storeys plus plant above set back from Notting Hill Gate behind a podium accessed by concrete stairs from Notting Hill Gate
 - 207-237 Kensington Church Street; a 1-2 storey linear block of shops and restaurants (Class A1 and Class A3)
 - Royston Court (161-199 Kensington Church Street); a 5 storey building with ground floor retail (Class A1 and Class A3) and 20 (vacant) self-contained studio units (Class C3) on the upper floors which are owned and managed by Notting Hill Housing Trust (NHHT)
 - A surface level car park with 61 spaces (also used for storage and collection of refuse and the farmer's market every Saturday morning); and
 - Parts of the roads and footpaths of Newcombe Street and Uxbridge Street.
- 2.2 The buildings and open space date from the late 1950s and are part of a larger post war urban intervention that widened the roadways along and immediately adjacent to Notting Hill Gate and redeveloped stretches of street frontage buildings running from the Czech Embassy adjacent to Kensington Palace Gardens to the east through to Campden Hill Towers in the west. However, the scheme was not entirely comprehensive, sitting alongside sections of historic fabric on either side of the road.
- 2.3 The architecture is typical of the period, comprising robust pre-cast concrete and glass buildings, decorated by roughcast concrete infill panels and brightened by jaunty pieces of public art or occasional back-painted coloured glass panels. The building composition is a typical mix of mainly low and medium blocks with a singular taller element (46m). In this instance Newcombe House is a 12-storey office building and, sat above its podium, it is as wide as it is tall. It is one of two high-rise buildings of district scale in Notting Hill Gate, sitting diagonally opposite Campden Hill Towers which is a 17-storey slab residential building plus plant (63m), though Campden Hill Towers is orientated side-on to the main road. Both towers are from the same period and by the same architects, Cotton Ballard and Blow (1957); and landmark, if not seemingly bookend the main commercial core.
- 2.4 The site is within a wider context of traditional streets and buildings that dates mainly from the mid to late Victorian period, with some Edwardian and early 20th Century buildings. The wider area has a distinct domestic scale and character. The 2 to 3-storey and more artisan character of Notting Hill Village to the immediate south contrasts with the 3 to 4-storey residential terraces of Ladbroke and Pembridge, and the grander townhouses and villas of Kensington Palace Gardens to the east and Holland Park further to the west.

Heritage Assets

- 2.5 The Application Site is not a designated heritage asset.
- 2.6 The Application Site is not located within a conservation area, although it adjoins the boundaries of the following four conservation areas:
- Kensington Conservation Area to the south and east,
 - Kensington Palace Conservation Area to the east,
 - Pembridge Conservation Area to the north east, and;
 - Ladbroke Conservation Area to the north west.
- 2.7 The townscape surrounding the Application Site is largely designated as a heritage asset, with the conservation areas of Kensington, Ladbroke, Pembridge and Kensington Palace Gardens almost pin-wheeling around the site.
- 2.8 The area also contains many statutory listed buildings. There are a number of heritage assets within the vicinity of the Application Site. The Circle and District line at Notting Hill Gate Underground station, including its roof, is grade II listed. There are no other listed buildings directly adjoining the Application Site. The terrace of 1-34 Pembridge Gardens which lies to the north of the Application Site is Grade II listed. Grade II listed Gate and Coronet cinemas and the grade II terraced housing of Pembridge Gardens and Pembridge Square are nearby. Lastly, the grade I listed Kensington Palace and its grade I registered gardens lie a short distance to the east of Notting Hill Gate.
- 2.9 The Council's evidence will identify relevant designated and non-designated heritage assets. The Council's evidence will refer to the following heritage assets:

RBKC Conservation Areas, comprising:

- Kensington Conservation Area,
- Kensington Palace Conservation Area,
- Pembridge Conservation Area, and;
- Ladbroke Conservation Area.

RBKC Listed Buildings, comprising:

- Notting Hill Gate Underground Station, Grade II listed
- Gate Cinema, Grade II listed
- Coronet Cinema, Grade II listed
- 1-34 Pembridge Gardens, Grade II listed
- Pembridge Square, Grade II listed
- Linden Mews Arch, Grade II Listed
- Kensington Palace, Grade I listed
- Listed villas along Kensington Palace Gardens, Grade II and II* Listed

RBKC Registered Parks and Gardens, comprising:

- Kensington Gardens, Grade I

Designations

- 2.10 The existing frontages onto Notting Hill Gate and Kensington Church Street form part of the primary shopping frontage the Notting Hill Gate District Shopping Centre.
- 2.11 The Application Site lies within an area of archaeological importance.
- 2.12 The Application Site is located in Flood Zone 1.
- 2.13 The Application Site is located in an Air Quality Management Area, as is the rest of the Borough.
- 2.14 The Appeal Site has a Public Transport Accessibility Level (PTAL) rating of 6a (6b being the highest and 1a being the lowest).

3.0 Relevant Planning History

- 3.1 The Council's evidence will describe the relevant planning history of the Application Site.
- 3.2 The relevant planning history will be detailed by the Council, including any pre-application discussion and written advice which preceded the submission of the Application Proposals. The relevant planning history for the Application Site is set out in the table below:

Reference	Description	Decision	Implemented
LB/16/00466 Land between Newcombe House, 45 Notting Hill Gate, Railway Cutting Rear of 9 to 37 Jameson Street and London Underground Substation, Jameson Street	Construction of new wall adjacent to wall of listed station building; associated flashing and rainwater collection guttering attached to listed wall. Creation of stepfree access safeguarding zone between platform level and ticket hall level involving construction of walls abutting existing listed station building wall.	Granted 29/04/2016	No
PP/15/07602	Demolition of existing buildings and redevelopment to provide office, residential, and retail uses, and a flexible surgery/office use, across six buildings (ranging from ground plus two storeys to ground plus 17 storeys), with two storey basement together with landscaping to provide a new public square, ancillary parking and associated works (MAJOR APPLICATION).	Refused 29/04/2016 Appeal dismissed 12/06/2017	N/A

- 3.3 An application was submitted to the Council on 8 September 2017 (referred to as the "Original Application") for:

Demolition of existing buildings and redevelopment to provide office, residential, and retail uses, and a flexible surgery/office use, across six buildings (ranging from ground plus two storeys to ground plus 17 storeys), with two storey basement together with landscaping to provide a new public square, ancillary parking and associated works.

- 3.4 The Original Application followed a previous application ref. PP/17/05602 for an almost identical scheme (notably with the exception of on-site affordable housing) that was refused by the Council in April 2016 and subsequently dismissed on appeal on 12 June 2017 (referred to as the "Appeal Scheme").

- 3.5 The Appeal Scheme was refused by the Council on 29 April 2016 for three reasons:
1. The height of the tall building would be significantly taller than the existing building and the surrounding townscape. The architecture of the proposed tall building would be of insufficient high design quality and would not have a wholly positive impact on the townscape. It would result in harm to the setting of nearby listed buildings and conservation areas, including important local views and would result in substantial harm to those heritage assets. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6 and 7.7, and Local Plan policies CL1, CL2, CL3, CL4, CL11 and CL12. The public benefits would be insufficient to outweigh those harms
 2. The proposals result in the loss of social rented floorspace within the Royal Borough, contrary to policies of the London Plan, in particular Policy 3.14, and the Local Plan, in particular policy CH3
 3. In the absence of agreed Section 106 obligations, and provisions under section 16 of the General Powers Act, which would secure the necessary mitigation measures and infrastructure which are necessary to make the development acceptable, the proposal would be contrary to policies of the London Plan, in particular policies 3.12 and 3.16, the Local Plan, in particular policy C1, CT1 and CH2.
- 3.6 On appeal following a Public Inquiry the Planning Inspector upheld only one of these reasons for refusal relating to the loss of social rented floorspace contrary to CLP policy CH3 (b). The Inspector also expressed doubt on the submitted evidence that this loss of social rented floorspace was justified on viability grounds or that sufficient payment was proposed towards off-site affordable housing. The Appeal Scheme was dismissed on 12 June 2017.
- 3.7 The Inspector's decision for the appeal scheme is a significant material consideration in the determination of the current application. The Planning Inspector represents the Secretary of State, and significant weight needs to be given to the content of the appeal decision letter. The Courts have held in summary that a previous decision should be a powerful material consideration in any new determination, that there is a public interest in consistency of decision making, and that the decision maker now has to have very good reason to depart from another decision-maker's reasoned rational judgment; this is heightened where the previous decision maker is a Planning Inspector on behalf of the Secretary of State.
- 3.8 The Inspector identified two substantive issues. The first was the issue of townscape and impact on heritage assets, and the second was the issue of social housing. In relation to the impact of the proposal on townscape and heritage assets the Inspector found that the proposed building was high quality architecture and a significant improvement on the existing building, and that in most cases it either enhanced relevant heritage assets and their settings or left them unharmed. Where he did identify any harm, it was minor and more than outweighed by the positive impacts of the proposal in townscape and heritage terms. On the second issue, the Inspector was not convinced that enough had been done to address affordable housing policies.
- 3.9 The Council referred the Original Application to the Mayor of London under Category 1C of the Town and Country (Mayor of London) Order 2008. On 29 November 2017 the Stage 1 report prepared by the GLA on behalf of the Mayor expressed support for the scheme (see Appendix 1.1 – Stage 1 report dated 29 November 2017).

- 3.10 On 31 January 2018, subject to receiving no Direction to the contrary by the Mayor of London, the Planning Committee resolved to refuse the Original Application for the following reasons:
1. The height of the tall building would be significantly taller than the existing building and the surrounding townscape at a very high land point in the borough. The architecture of the proposed tall building would be of insufficient high design quality and would not have a wholly positive impact on the townscape. It would result in harm to the setting of nearby listed buildings and conservation areas, including important local views and when moving around the conservation areas experiencing them as a whole. This would result in substantial harm to those heritage assets, to which the Council attaches considerable importance and weight. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6 and 7.7, and the Consolidated Local Plan, in particular policies CL1, CL2, CL3, CL4, CL11 and CL12, and the Notting Hill Gate SPD. The public benefits would be insufficient to outweigh those harms.
 2. Although slightly more affordable housing floorspace is proposed than currently exists, the proposals would result in the loss of social rented homes within the borough and the Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing, contrary to policies of the London Plan, in particular policies 3.12 and 3.14, and the Consolidated Local Plan, in particular policies CH2 and CH3.
 3. In the absence of agreed obligations under section 106 of the Town and Country Planning Act 1990 and provisions under section 16 of the Greater London Council (General Powers) Act 1974 which would secure the necessary mitigation measures and infrastructure which are necessary to make the development acceptable, the proposal would be contrary to policies of the London Plan, in particular policies 3.12 and 3.16, and the Consolidated Local Plan, in particular policies C1, CT1 and CH2.
- 3.11 The Planning Committee considered the proposal to be contrary to the development plan. The Committee had read and understood the appeal inspector's decision for the appeal scheme and had that decision in its mind when deciding the application. It also gave considerable importance and weight to the setting of nearby listed buildings and nearby conservation areas, including the Kensington and Pembridge Conservation Areas. Although the appeal decision was material, the Committee did not consider that the weight attached to the appeal decision and the public benefits of the scheme were sufficient material considerations to grant planning permission contrary to the development plan.
- 3.12 On 13 February 2018 the Council advised the Mayor of London of the Planning Committee's decision.
- 3.13 On 26 March 2018, the Mayor of London issued a direction under article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he would act as the Local Planning Authority for the purposes of determining the Original Application (see Appendix 1.2 – Stage 2 report dated 26 March 2018).
- 3.14 Following discussions between the applicant and the Greater London Authority (GLA), the Original Application was amended (the amended scheme is referred to as the "Application Proposals"), although the Application Proposals still propose the demolition of existing buildings and redevelopment to provide office, residential, and retail uses, and a flexible surgery/office use, across six buildings (ranging from ground

plus two storeys to ground plus 17 storeys), with two storey basement together with landscaping to provide a new public square, ancillary parking and associated works.

3.15 The amendments to the Original Application contained in the Application Proposals are as follows:

- Increase in office floorspace by approximately 414 sqm (GEA);
 - West Perimeter Building 3 increased by two floors resulting in Ground + 6 floors. The building would continue to contain retail, office and surgery uses.
- Increase in residential floorspace by approximately 593 sqm (GEA);
 - Increase from 46 homes (9,992 sqm) to 55 homes (10,585 sqm) (GEA)
- Increase in on-site affordable housing from 9 to 23 units;
 - Increase from 9 out of 46 homes (approx. 19% of total homes) to 23 out of 55 homes (approx. 42% of total homes)
 - Increase from 17% habitable rooms to 35% habitable rooms
 - Previously located in Kensington Church Street Building 2 and now located in Kensington Church Street Buildings 1 and 2 and West Perimeter Building 1
 - Alteration to housing tenure split from 9 social rented homes to 15 social rented homes and 8 intermediate rented homes (with the tenure being a discounted version of the Mayor's London Living Rent product)
- Alterations to the housing mix although retains mix of 1, 2, 3 and 4-bed homes;
 - The overall housing mix is 19 x 1-bed homes, 9 x 2-bed homes, 24 x 3-bed homes and 3 x 4-bed homes
 - The proposed market housing mix is 5 x 1-bed homes, 6 x 2-bed homes, 18 x 3-bed homes and 3 x 4-bed homes
 - The proposed affordable housing mix has changed from 3 x 1-bed homes, 3 x 2-bed homes and 3 x 3-bed homes to 14 x 1-bed homes, 3 x 2-bed homes and 6 x 3-bed homes.
- Amended massing;
 - Addition of one storey to Kensington Church Street Building 1 (from 4 storeys to 5 storeys)
 - Additional of two storeys to West Perimeter Building 3 (from 5 storeys to 7 storeys)
- Alterations to the layouts of Kensington Church Street Buildings 1 and 2, and West Perimeter Buildings 1 and 3, with associated changes to the facades;
- Minor alterations to the façade of the Corner Building on levels 4, 5, and 6 in response to the revised massing of West Perimeter Building 3; and
- Minor alterations to the services strategy for West Perimeter Building 2.

- 3.16 The Council was consulted on these amendments by the GLA on 16 July 2018. On 29 August 2018 the Council raised objection to the Application Proposals (see Appendix 1.4 – consultation response) on the following grounds:
1. The height of the tall building would be significantly taller than the existing building and the surrounding townscape at a very high land point in the borough. The architecture of the proposed tall building would be of insufficient high design quality and would not have a wholly positive impact on the townscape. The tall building and increased massing to KCS1 and WPB3 buildings would result in harm to the setting of nearby listed buildings and conservation areas, including important local views and when moving around the conservation areas experiencing them as a whole. This would result in substantial harm to those heritage assets, to which the Council attaches considerable importance and weight. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6, 7.7 and 7.8, and the Consolidated Local Plan, in particular policies CL1, CL2, CL3, CL4, CL11 and CL12, and the Notting Hill Gate SPD and Building Height in the Royal Borough SPD. The public benefits would be insufficient to outweigh those harms.
 2. Although more affordable housing floorspace is proposed than currently exists, the proposals would result in the loss of social rented homes within the borough, and the Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing, contrary to policies of the London Plan, in particular policies 3.12 and 3.14, and the Consolidated Local Plan, in particular policies CH2 and CH3.
- 3.17 The GLA's Stage 3 report recommended the Application Proposals for approval to the Mayor (see Appendix 1.3 – Stage 3 report dated 18 September 2018). The Mayor considered the Application Proposals at a Representation Hearing on 18 September 2018. The Council objected to the Revised Application at this hearing (see Appendix 1.5 – hearing statement dated 11 September 2018), however, the Mayor resolved to grant planning permission, subject to completion of a Section 106 legal agreement. The target date for completion was 18 December 2018 but the agreement is yet to be completed.
- 3.18 On 29 November 2019 the Secretary of State exercised his powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and issued a holding direction which prevented the Mayor from issuing his decision on the Application Proposals.
- 3.19 On 14 March 2019, the Secretary of State exercised his powers in section 77 of the Town and Country Planning Act 1990 to “call-in” the Application Proposals for his own consideration. The Secretary of State has directed that the application shall be referred to him instead of being dealt with by the Mayor.

4.0 Application Proposals

Summary of the Application Proposals

4.1 The Application Proposals seek planning permission for:

Demolition of existing buildings and redevelopment to provide office, residential, and retail uses, and a flexible surgery/office use, across six buildings (ranging from ground plus two storeys to ground plus 17 storeys), with two storey basement together with landscaping to provide a new public square, ancillary parking and associated works.

4.2 The proposed masterplan is for a central public open space, lined by perimeter buildings with a mix of uses (residential, office, retail and surgery) and a finer urban grain. The proposed perimeter buildings are between 3 and 7 storeys above a two storey basement, and include a replacement district scaled tall building that rises to 18-storeys. The architecture is contemporary.

Corner Building

Notting Hill Gate building

4.3 The proposed building which fronts onto Notting Hill Gate would be four storeys (ground plus 3) storeys and 19m in height. This would contain retail uses at the ground floor level and office accommodation above.

East Form and Central Form ("Tall building")

4.4 The tallest element is divided into two 'forms' the lower (East Form) is 14 storeys (ground plus 13) at 55.2m and the taller (Central Form) is 18 storeys (ground plus 17) at 71.8m. At its highest point it rises to 25.5m higher than the 46.3m height of the existing Newcombe House building. The tower would contain retail uses, office and residential entrances at the ground floor level. Pedestrian routes would exist underneath the tall building providing access routes from Notting Hill Gate and Uxbridge Street into the new public square. The tall building would comprise Class B1 office space from the first to third floors and private residential units from fourth floor to the eighteenth floor providing 18 x 3-bedroom units and 3 x 4-bedroom units.

Kensington Church Street buildings

4.5 To the south of the tall building, fronting onto Kensington Church Street, would be two new blocks of 4 storeys and 5 storeys. Gaps between these buildings would provide views and pedestrian access from Kensington Church Street to the public square. These would have retail uses at the ground floor level with frontages onto both Kensington Church Street and the public square. Residential accommodation is proposed above with ground floor entrances on Kensington Church Street and the public square.

Kensington Church Street Building 1 ("KCS1")

4.6 This 5 storey building would have retail uses at ground floor level, 4 x Discounted London Living rent residential units as 2 x 1-bedroom and 2 x 3-bedroom units at first floor level, 11 private residential units as 5 x 1-bedroom and 6 x 2-bedroom units at second, third and fourth floor levels, which would have access to a roof top garden.

Kensington Church Street Building 2 (“KCS2”)

This 4 storey building would provide 15 social rented residential units as 12 x 1-bedroom and 3 x 2-bedroom units. The roof of the building would have a plant enclosure.

West Perimeter Buildings

- 4.7 New buildings are proposed to the western edge of the site which will directly adjoin the roof of the underground platform and the London Underground substation at the rear.

West Perimeter Building 1 (“WPB1”)

- 4.8 This 2.5 storey building would have retail uses fronting onto the public square at ground floor level with 4 x Discounted London Living Rent units as 4 x 3-bedroom units at first floor level.

West Perimeter Building 2/The Cube (“WPB2/The Cube”)

- 4.9 To the southern end of this block would be a visually distinct building (‘the Cube’) which would form the southern end of the public square. This building would provide office accommodation at all floors and the ground floor plan includes the car lift which would provide egress from the basement car park onto Newcombe Street and Kensington Place.

West Perimeter Building 3 (“WPB3”)

- 4.10 The most northern of the West Perimeter Buildings is a taller block which would sit south of Uxbridge Street and behind David Game House. This would be 7 storeys high and the ground floor level would include a retail unit, plant and entrance to a health facility. It would also include the car lift which would provide access from Uxbridge Street to the basement level car park. The first floor, second, third and fourth floors would provide space which is proposed to be used as a NHS health facility.
- 4.11 The other features of the proposed site layout are:

Public square

- 4.12 The public square would be located in the centre of the site and would provide 876 sq metres of public space. The public square would be pedestrianised with access only for emergency vehicles. Servicing of the commercial uses would take place from the street. A further 316 sqm of public open space would be provided as lanes connecting to the Public Square.

Basement

- 4.13 A two storey basement is proposed across the entirety of the site with the exception of the northern boundary of the site to accommodate LUL infrastructure. Basement level 1 would provide ancillary storage space for the commercial units at ground floor level. The lower level would provide a basement car park comprising 25 residential parking spaces and 5 spaces for use by the health facility as well as cycle storage facilities. The basement plans demonstrate an area to facilitate installation of a lift from the southbound Circle and District line platform to the TfL ticket hall under Notting Hill Gate.

4.14 Across the entirety of the development, the existing and proposed uses are:

Use	Existing		Proposed		Difference	
	GIA (sqm)	GEA (sqm)	GIA (sqm)	GEA (sqm)	GIA (sqm)	GEA (sqm)
Office (Class B1)	5,206	5,562	4,765	5,306	- 441	- 256
Health facility (Class D1)	-	-	952	1,075	+ 952	+ 1,075
Retail (Class A1 and A3)	2,569	2,790	2,638	2,935	+ 69	+ 145
Residential (Class C3)	955	1,071	9,339	10,585	+ 8,384	+ 9,514
Residential car park	-	-	1,953	2,054	+ 1,953	+2,054
Plant and servicing (for all uses)	413	433	1,118	1,302	+ 705	+869
Total	9,143	9,856	20,765	23,257	+ 11,622	+ 13,401

Housing Mix

4.15 Across the entirety of the development, 46 private residential units and 23 affordable residential units comprising 15 social rented units and 8 intermediate rented units are proposed.

4.16 The proposed housing mix is set out below:

Affordable housing mix:

	1 bed	2 bed	3 bed	4 bed	Total
West Perimeter Building 1	-	-	4	-	4
Kensington Church Street Building 1	2	-	2	-	4
Kensington Church Street Building 2	12	3	-	-	15
Total	14	3	6	0	23

Market housing mix:

	1 bed	2 bed	3 bed	4 bed	Total
Corner Building	-	-	18	3	21
Kensington Church Street Building 1	5	6	-	--	11
Total	5	6	18	3	32

Overall housing mix:

	1 bed	2 bed	3 bed	4 bed	Total
Private	5	6	18	3	32
Social Rent	12	3	-	-	15
London Living Rent	2	-	6	-	8
Total	19	9	24	3	55

5.0 Relevant statutory provisions and planning policy

Statutory provisions

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The Council has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses – a duty to which considerable importance and weight must be accorded.
- 5.3 The Council also has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Development plan policies give effect to this requirement and only permit development proposals, which preserve and take opportunities to enhance the special interest and setting of these heritage environments.
- 5.4 The Council's evidence will refer to the following documents at the Public Inquiry, unless these documents are superseded by newly adopted or published documents. The Council's evidence will also refer to any other relevant documents which may be published prior to the Public Inquiry.

Adopted Development Plan

- 5.5 The Development Plan comprises:
- London Plan (LP, 2016)
 - RBKC Consolidated Local Plan (CLP, 2015)
 - "Saved" policies from the RBKC Unitary Development Plan (UDP, 2002)
- 5.6 The Application Site is not subject to an adopted Neighbourhood Plan.

Emerging Development Plan Documents

- 5.7 The Council is currently undertaking a Local Plan Partial Review ("LPPR") of the existing Local Plan in accordance with the timetable set out in the Council's Local Development Scheme. The LPPR is currently at examination. Following examination hearings in February and March 2018, the Planning Inspector sent an "Interim Findings" letter to the Council on 16 July 2018. The Council consulted on the Proposed Main Modifications between 23 July and 17 September 2018.
- 5.8 The Inspector's comments in the "Interim Findings" letter are "interim" and without prejudice to his final conclusions which will be set out in his final report once he has considered all the representations on the Main Modifications. Therefore, until the Inspector's report is received, the emerging LPPR policies are being given moderate weight in decision-making at present. The starting point for determining the Appeal Proposals remain the adopted policies in the Consolidated Local Plan 2015, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, paragraph 48 of the National Planning Policy Framework, and paragraph 019 of the National Planning Practice Guidance on Local Plans. There is no published timetable

for the publication of the Inspector's final report or the Council's adoption of the LPPR policies. However, the LPPR policies are expected to be adopted by the time of the Inquiry.

- 5.9 The Mayor of London has published a draft New London Plan ("NLP") which is intended to replace the adopted London Plan. This was published for consultation in December 2017. "Minor suggested changes" were published in August 2018 although these changes were not subject to public consultation. The draft New London Plan is undergoing an Examination in Public which started in January 2019. The Council considers that the draft New London Plan policies should be given limited weight at the present time.
- 5.10 The Application Site is not located in a designated Neighbourhood Area and no draft Neighbourhood Plan has been published.
- 5.11 The relevant adopted and emerging Development Plan policies are set out in the table below:

	Saved UDP	Consolidated Local Plan (CLP)	Local Plan Partial Review (LPPR)	London Plan (LP)	New London Plan (NLP)
Notting Hill Gate		CP7, CV16/CP16	CV11	1.1, 2.1, 2.9	SD10
Fostering Vitality		CO2	CO2	4.1	GG1, GG3
General townscape and building heights		CL1, CL2, CL10, CL11, CL12, CR1, CR2, CR3, CR4, CR5, CR6	CR4, CR5	7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.13	D1, D2, D3, D7, D8
Quanta of development		CP1	CP1		GG2
Housing	H17	CH1, CH2, CH3, CF9	CH1, CH2, CH3	3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 2.10, 3.11, 3.12, 3.13, 3.14, 7.1, 7.2, 7.3	GG4, D4, D5, D6, H1, H3, H5, H6, H7, H10, H12
Heritage assets		CL3, CL4, CR5	CL4, CR5	7.8, 7.9	HC1, HC3
Office provision		CF5, CF6	CF5, CF6	4.2, 4.3	GG5, GG6, E1, E11
Local shopping and other facilities		CK2, CF1, CF3, CF4	CF1, CF3, CF4	2.15, 3.16, 3.17, 4.7, 4.8, 4.9	SD6, SD8, SD9, S1, S2, S4, E9

Living conditions		CL5, CE6		7.15	D13
Basements		CL7			D9
Air Quality		CE5		7.14	SI1
Transport		CT1, CT2, CR7, CE3	CT2, CE3	6.1, 6.2, 6.3, 6.4, 6.5, 6.7, 6.9, 6.10, 6.12, 6.13, 6.14	T1, T2, T3, T4, T5, T6, T6.1, T6.2, T6.3, T6.5, T7, T9
Flooding and drainage		CE2	CE2	5.12, 5.13, 5.14, 5.15, 5.17	SI5, SI12, SI13
Land contamination		CE7		5.21	
Sustainability		CE1	CE1	5.1, 5.2, 5.3, 5.4A, 5.5, 5.6, 5.7, 5.9, 5.10, 5.11, 5.18	GG3, SI2, SI3, SI4, SI7
Trees		CR6		7.21	G5, G7
Planning Obligations and CIL	H8	C1	C1	4.12, 8.2, 8.3	DF1
Fire Safety					D10, D11

National Planning Policy and Guidance

5.12 The Council's evidence will refer to the following:

- National Planning Policy Framework (NPPF, 2018)
- National Planning Policy Guidance (NPPG, 2016)
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (second edition, December 2017)
- Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA, 2013)
- An Approach to Landscape Character Assessment (2014)
- Statutory List Entries

Published supplementary guidance

5.13 The following Mayor of London's Supplementary Planning Guidance (SPGs) are relevant to the Application Proposals:

- Affordable Housing and Viability SPG (2017)
- Housing SPG (as amended by the Affordable Housing & Viability SPG) (2016)

- Crossrail Funding SPG (2018)
- Social Infrastructure SPG (2015)
- Accessible London: achieving an inclusive environment SPG (2014)
- The control of dust and emissions during construction and demolition SPG (2014)
- Town Centres SPG (2014)
- Character and Context SPG (2014)
- Sustainable Design and Construction SPG (2014)
- Providing for Children and Young People's Play and Informal Recreation SPG (2012)

5.14 The following RBKC Supplementary Planning Documents (SPDs) are considered relevant to the Application Proposals:

- Access Design Guide SPD (2010)
- Air Quality SPD (2009)
- Basements SPD (2016)
- Building Height SPD (2010)
- Designing Out Crime SPD (2008)
- Noise SPD (2009)
- Notting Hill Gate (2015)
- Planning Obligations SPD (2010)
- Shopfront Design Guidelines SPD (2011)
- The Streetscape Guide (2012)
- Transport and Streets SPD (2016)
- Trees and Development SPD (2010)

5.15 The following Conservation Area Proposals Statements are considered relevant to the Application Proposals:

- RBKC Kensington Conservation Area Proposals Statement (2017)
- RBKC Kensington Palace Conservation Area Proposals Statement (2017)
- RBKC Ladbroke Conservation Area Proposals Statement (2015)
- RBKC Pembridge Conservation Area Proposals Statement (2017)

Draft supplementary guidance

5.16 The following draft supplementary guidance is relevant to the Application Proposals:

- RBKC Draft Planning Obligations SPD (2018)

Evidence Base Documents and Monitoring Reports

5.17 The following documents are relevant to the Application Proposals:

- Mayor's Housing Strategy, Mayor of London (2018)
- Mayor's Environment Strategy, Mayor of London (2018)
- Mayor's Transport Strategy, Mayor of London (2018)
- London Plan Annual Monitoring Report 14 2016/17, Mayor of London (2018)
- Planning and Borough Development Monitoring Report 2017, RBKC (2018)
- Planning and Borough Development Monitoring Report 2018, RBKC (2019)
- Employment Land Need and Availability Background Paper, RBKC (2016)
- London Office Policy Review 2017, GLA (2017)

- RBKC Five Year Housing Land Supply and Housing Trajectory Supplementary Statement, RBKC (2018)
- Inspector's Interim Findings letter, PINS (2018)
- Letter from GLA concerning Further Modifications Consultation April 2018 (May 2018)
- The London Strategic Housing Land Availability Assessment 2017, GLA (November 2017)
- Proposals for delivery of new homes including social rent on Council owned land, RBKC (November 2018)

5.18 The Council reserves the right to refer to other policies, guidance, documents and appeal decisions which may be considered appropriate during preparation of evidence to the Public Inquiry.

6.0 Grounds of Objection

Grounds of Objection 1

- 6.1 The height of the Corner Building would be significantly taller than the existing building and the surrounding townscape at a very high land point in the borough. The Council will argue that, irrespective of the surface treatment, it is the effect of the additional height of the tall element of the scheme which would not have a wholly positive impact on the townscape. The substantial increase in the height of the building would cause a degree of impact on its surroundings that would not be justified by the quality of its architecture or by the benefits that would be delivered through the proposals, and the Council will demonstrate why this is so.
- 6.2 The Council has given significant weight to the conclusions of the Planning Inspector determining the Appeal Scheme, but has reached the conclusion that the Corner Building would, rather than having an effect which is either neutral or beneficial, result in harm to the setting of nearby listed buildings and conservation areas, including important local views and when moving around the conservation areas and experiencing them as a whole. Additionally, the increased massing to KCS1 and WPB3, which did not form part of the Appeal Scheme, when considered by the Council would contribute additional harm to the setting of heritage assets. Although this harm would be less than substantial for the purposes of paragraph 196 of the NPPF, it would still be real, and in places severe. Following the requirements of the NPPF, this is therefore harm to which the Council attaches considerable importance and weight. The Council will demonstrate how the height and appearance of the proposed tall building would cause harm in a number of perspectives, to the setting of listed buildings, and from within a number of different conservation areas.
- 6.3 The Council will demonstrate that the height of the Corner Building, and harm caused by that, cannot be justified on townscape or design grounds. A building would be produced that significantly exceeds the height of all surrounding buildings plus that of Campden Hill Tower, which is the only other tall building in Notting Hill Gate with which the existing Newcombe House has a balanced relationship, but with this being severed in the proposed development. The Council will describe that this is not a location that needs to be identified by a building of this scale, there is not tall building cluster here, and nor is there a plan for one. The Council will demonstrate that the detailed design of the Corner Building, or the whole development, would not be of a high enough quality to justify a tall building of this scale in this position.
- 6.4 The Council will demonstrate that the height of the Corner Building, and harm caused by that, cannot be justified by housing delivery. The 21 units contained in the Corner Building would be distributed across 14 storeys. The maximum amount of apartments per floor is limited to 2. This is an extremely inefficient use of space with one core serving only 2 dwellings. Intensification of development in the other residential blocks could negate the need for such a tall building.
- 6.5 The Council will demonstrate that the height of the Corner Building, and harm caused by that, cannot be justified by the benefits to be provided through the proposals, namely step free access to one platform, provision of a surgery, and provision of a public space.
- 6.6 The Council will describe how the harm that would be caused by the Corner Building, KCS1 and WPB3 is not necessary to achieve a successful redevelopment of the site, and an alternative design approach could be enabled that would better address the constraints on the site.

Grounds of Objection 2

- 6.7 Although more affordable housing floorspace is proposed than currently exists, the proposals would result in the loss of social rented homes within the borough, and the Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing, contrary to policies of the London Plan, in particular policies 3.12 and 3.14, and the Consolidated Local Plan, in particular policies CH2 and CH3.
- 6.8 The proposed approach to development of the site produces significant harms and insufficient benefits to justify them. The Council will describe how alternative approaches to redeveloping the site can be conceived that would result in a more economic building, possibly containing more units, and therefore could provide more affordable housing on site without producing the same degree of harm to the townscape and setting of heritage assets.

Grounds of Objection 3

- 6.9 In the absence of agreed obligations under section 106 of the Town and Country Planning Act 1990 and provisions under section 16 of the Greater London Council (General Powers) Act 1974 which would secure the necessary mitigation measures and infrastructure which are necessary to make the development acceptable, the proposal would be contrary to policies of the London Plan, in particular policies 3.12 and 3.16, and the Consolidated Local Plan, in particular policies C1, CT1 and CH2.

Planning Obligations

- 6.10 This development would place additional pressure on local services and infrastructure. The Council requires local services and infrastructure to be improved alongside development and to be funded by the developer in accordance with its Supplementary Planning Document setting out the relevant costs. In this case these improvements can be secured through an undertaking or agreement under S106 of the Town and Country Planning Act 1990 completed before planning permission is granted. Details of the funding and projects are shown below.

No.	Heads of Terms (final details and triggers subject to final negotiations)	Financial contribution (where applicable)
Non-financial contributions		
1.	23 on-site affordable homes (four homes in WPB1, 4 homes in KCS1 and 15 homes in KCS2) (the provision of the affordable housing would be linked to the occupation of the market homes) and nomination rights for all affordable homes to be given to RBKC – at least 15 units being of social rented tenure and the remaining units being of a “genuinely affordable” intermediate tenure	N/A
2.	10 off-site affordable homes (minimum 2-beds) with nomination rights to RBKC – with the Council preference for these off-site units to be located in the Borough	N/A

3.	Two-stage Viability Review Mechanism with trigger points set in accordance with the Mayor's Affordable Housing and Viability SPG	N/A
4.	Employment and Skills Plan (approved prior to implementation and carried out during construction period)	N/A
5.	Compliance with Local Procurement Code (approval of Local Procurement Schedule prior to commencement)	N/A
6.	Public Art Strategy (approved within 1 year from commencement)	N/A
7.	<p>Highway Works and Highways Agreement (enter into within 12 months from implementation) regarding works to public realm and highways adjacent to the development site, delivered and funded through a section 278 agreement pursuant to the Highways Act 1980 to include:</p> <ul style="list-style-type: none"> • Resurfacing of existing footways around the site on Notting Hill Gate, Kensington Place and Kensington Church Street • Removal and re-provision as required by the Council of street furniture including planters; • Amending the layout and junction of Newcombe Street and Kensington Place • Planting of new trees on Notting Hill Gate. 	N/A
8.	Requirement to dedicate public access over new areas of footway around the site	N/A
9.	<p>Not to implement the planning permission until the Development Agreement with LUL for Step Free Access Fit Out Works, SFA LUL Works and SFA Works has been completed. The SFA Works to be carried out in any event prior to Occupation, and the SFA Area safeguarded, to ensure that future provision of step free access is safeguarded.</p> <p>The definition of step free access provided by TfL is: <i>the provision of lifts, ramps and/or other infrastructure that allow independent access for persons with restricted mobility to follow a route (or routes) between street and platform levels without the need to use stairs or escalators. Compliant access between the platform and train should also be provided where practicable.</i></p>	N/A
10.	Permit Free covenant for 35 units (ongoing from implementation)	N/A
11.	Provision of a Public Square in accordance with the Public Square Plan (submit the Plan 6 months prior to	N/A

	occupation and not to occupy until it has been approved) and provision of permanent pedestrian and cycle access to the public subject to permitted closures. The Public Square will be privately maintained.	
12.	Small Independent Retail Units Marketing Strategy (comply prior to completion of the retail units).	N/A
13.	Cycle Hire Docking Station Safeguarded Area (not to construct in that area for the safeguarding period and grant a lease or licence to TfL over the area upon TfL request during the safeguarding period) on Uxbridge Street	NA
14.	Car Club (1 free membership per dwelling for 12 months)	N/A
15.	Medical Centre (up to 952 sq.m GIA) and no more than five Medical Centre Parking Spaces (not to occupy any of the dwellings until this has been provided). Construction of Medical Centre to Shell and Core Standard.	N/A
Financial contributions		
16.	Demolition Traffic Management Plan Assessment Fee (Index Linked, paid prior to commencement)	£2,800 per plan
17.	Construction Traffic Management Plan Assessment Fee (Index Linked, prior to commencement)	£2,800 per plan
18.	Construction Training Contribution (Index Linked, payable prior to commencement)	£295,071
19.	Public Art (provided in accordance with the approved Public Art Strategy)	Minimum £100,000- maximum £150,000
20.	Office Travel Plan Monitoring fee (Index Linked, paid prior to occupation)	£1,000
21.	Legible London Contribution for signage (Index Linked, paid 6 months prior to occupation)	£3,017
22.	Cycle Hire Contribution (Index Linked, paid 6 months prior to occupation) for 25 cycle hire docks on Uxbridge Street, to be delivered by TfL	£200,000
23.	Fit Out of Medical Centre to a specification approved by the NHS (Fit Out completed prior to occupation of dwellings)	Minimum of £1.5m
24.	Carbon Offsetting Contribution (Index Linked, payable prior to commencement)	£124,959

Monitoring fees		
25.	Section 106 Financial Monitoring Fee	£15,716.18
26.	Section 106 Non Financial Monitoring Fee	£500
		Approx. £2,245,863.18

- 6.11 Item no.2 in the Heads of Terms table above relates to the provision of nomination rights for 10 x minimum 2-bed off-site affordable homes. This provision would be through the acquisition of existing street properties. It is the Applicant's proposal that these units would essentially offset the loss of Royston Court (being 20 studio units), in addition to the on-site provision of 23 affordable units (15 social rent and 8 intermediate rent units).
- 6.12 This proposal stems from an informal agreement from circa 2012 between the Council's Housing Department and the proposed Registered Provider, Notting Hill Genesis ("NHG"), that when an application came forward on this site, NHG would purchase existing street properties off-site to offset the loss of Royston Court. It does not appear that this informal agreement involved any input from the Council's Planning Department.
- 6.13 The Applicant seeks to use this informal agreement as an opportunity to boost their affordable housing offer through the provision of nomination rights for 10 x minimum 2-bed off-site affordable homes.
- 6.14 However, the Council maintains that this would not be acceptable as an obligation and should not be taken into account as part of the planning balance. This is because:
- a) there is currently no certainty as to the tenure or location of the units (currently they are proposed as London Affordable Rent in the London Borough of Hillingdon). At the latest stage of negotiation, the Council is awaiting a response as to whether the units could be provided in RBKC, however, it is the Council's understanding that if these units could be provided in RBKC, then they would be at an "Affordable Rent" tenure (as per the NPPF);
 - b) the proposed nominations do not provide true additionality to affordable housing as the provision of off-site units would not directly offset the on-site loss of Royston Court (the Applicant/NHG propose to convert existing street properties which are market units to affordable units, potentially out of the borough); and
 - c) If there was true additionality, then in policy terms the Council would only generally accept off-site affordable housing where there is a planning application for that housing made concurrently with the main application, and the two applications would be linked through a legal agreement (see CLP policy CH2 (m)).
- 6.15 The Applicant maintains that this "obligation" has always been in the planning balance as an additional benefit to their affordable housing offer. While the additional nomination rights to affordable homes are welcomed by the Council, the Council does not consider that this commitment should be taken into account as part of the planning balance (for the reasons set out above).

- 6.16 When the Council was the local planning authority for the application the Council did not include this as a head of term to the legal agreement as it was a distortion of the proposed affordable housing offer. The Mayor, on becoming the local planning authority, took a different approach and included this in the Heads of Terms to the legal agreement and also took it into account as part of his consideration (see references to this in the Stage 3 report at paragraphs 9, 142 and 160).
- 6.17 Whilst the Council would not object to securing the additional nomination rights (which are of course welcome), the Council does not consider that these 10 units should be taken into account as part of the planning balance.

7.0 Planning Balance and Conclusions

- 7.1 The Council's evidence will refer to the Development Plan and other material considerations to assess the Application Proposals. The Council's evidence will describe the matters where the Council found the Application Proposals acceptable and the matters where the Council found the Application Proposals unacceptable in terms of the Development Plan and other material considerations.

Harm to heritage assets

- 7.2 With regards to Grounds of Objection 1, the Council's evidence will provide an assessment of the impacts of the Application Proposals on the setting of heritage assets, concluding that they will cause less than substantial harm to the setting of nearby heritage assets, particularly the setting of the Kensington, Kensington Palace, Ladbroke and Pembridge Conservation Areas, and a number of listed buildings within them.
- 7.3 The Council's evidence will draw attention to relevant planning policy which recognises that such harm may be outweighed by the public benefits of a proposal. The Council's evidence will identify the public benefits of the Application Proposals. Given the questions the Council will raise in regard to whether or not the most efficient use is being made of the site particularly in relation to the provision of social housing, the Council will also argue that the public benefits of the scheme will not be sufficiently great to satisfy the balancing exercise set out in paragraph 196 of the NPPF. The Council's evidence will conclude that the less than substantial harm caused by the Application Proposals to heritage assets, to which the Council attaches considerable importance and weight, would not therefore be outweighed by the public benefits of the Application Proposals.

Housing

- 7.4 With regards to Grounds of Objection 2, the proposals would result in the loss of social rented homes within the borough. The Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing. The Council's evidence will describe how alternative approaches to redeveloping the site can be conceived that would result in a more economic building, possibly containing more units, and therefore could provide more affordable housing on site without producing the same degree of harm to the townscape and setting of heritage assets.

Planning Obligations

- 7.5 Without prejudice to the Council's case, the Council will endeavour to negotiate and complete a Section 106 legal agreement with the Applicant in the event that the planning application is granted. The Council anticipates that planning obligations can be agreed with the Applicant during the Inquiry process to address Grounds of Objection 3.
- 7.6 The Heads of Terms will be negotiated with the Applicant. The Council would expect to include the following:

No.	Heads of Terms (final details and triggers subject to final negotiations)	Financial contribution (where applicable)
Non-financial contributions		
1.	23 on-site affordable homes (four homes in WPB1, 4 homes in KCS1 and 15 homes in KCS2) (the provision of the affordable housing would be linked to the occupation of the market homes) and nomination rights for all affordable homes to be given to RBKC – at least 15 units being of social rented tenure and the remaining units being of a “genuinely affordable” intermediate tenure	N/A
2.	10 off-site affordable homes (minimum 2-beds) with nomination rights to RBKC – with the Council preference for these off-site units to be located in the Borough <i>[notwithstanding the Council’s view set out above, that this HoT should not be taken into account when assessing the planning balance, to ensure that the additional nomination rights are secured in the event the Secretary of State takes a different view the Council will seek to secure this covenant]</i>	N/A
3.	Two-stage Viability Review Mechanism with trigger points set in accordance with the Mayor’s Affordable Housing and Viability SPG	N/A
4.	Employment and Skills Plan (approved prior to implementation and carried out during construction period)	N/A
5.	Compliance with Local Procurement Code (approval of Local Procurement Schedule prior to commencement)	N/A
6.	Public Art Strategy (approved within 1 year from commencement)	N/A
7.	<p>Highway Works and Highways Agreement (enter into within 12 months from implementation) regarding works to public realm and highways adjacent to the development site, delivered and funded through a section 278 agreement pursuant to the Highways Act 1980 to include:</p> <ul style="list-style-type: none"> • Resurfacing of existing footways around the site on Notting Hill Gate, Kensington Place and Kensington Church Street • Removal and re-provision as required by the Council of street furniture including planters; • Amending the layout and junction of Newcombe Street and Kensington Place • Planting of new trees on Notting Hill Gate. 	N/A

8.	Requirement to dedicate public access over new areas of footway around the site	N/A
9.	<p>Not to implement the planning permission until the Development Agreement with LUL for Step Free Access Fit Out Works, SFA LUL Works and SFA Works has been completed. The SFA Works to be carried out in any event prior to Occupation, and the SFA Area safeguarded, to ensure that future provision of step free access is safeguarded.</p> <p>The definition of step free access provided by TfL is: <i>the provision of lifts, ramps and/or other infrastructure that allow independent access for persons with restricted mobility to follow a route (or routes) between street and platform levels without the need to use stairs or escalators. Compliant access between the platform and train should also be provided where practicable.</i></p>	N/A
10.	Permit Free covenant for 35 units (ongoing from implementation)	N/A
11.	Provision of a Public Square in accordance with the Public Square Plan (submit the Plan 6 months prior to occupation and not to occupy until it has been approved) and provision of permanent pedestrian and cycle access to the public subject to permitted closures. The Public Square will be privately maintained.	N/A
12.	Small Independent Retail Units Marketing Strategy (comply prior to completion of the retail units).	N/A
13.	Cycle Hire Docking Station Safeguarded Area (not to construct in that area for the safeguarding period and grant a lease or licence to TfL over the area upon TfL request during the safeguarding period) on Uxbridge Street	NA
14.	Car Club (1 free membership per dwelling for 12 months)	N/A
15.	Medical Centre (up to 952 sq.m GIA) and no more than five Medical Centre Parking Spaces (not to occupy any of the dwellings until this has been provided). Construction of Medical Centre to Shell and Core Standard.	N/A
Financial contributions		
16.	Demolition Traffic Management Plan Assessment Fee (Index Linked, paid prior to commencement)	£2,800 per plan
17.	Construction Traffic Management Plan Assessment Fee (Index Linked, prior to commencement)	£2,800 per plan

18.	Construction Training Contribution (Index Linked, payable prior to commencement)	£295,071
19.	Public Art (provided in accordance with the approved Public Art Strategy)	Minimum £100,000- maximum £150,000
20.	Office Travel Plan Monitoring fee (Index Linked, paid prior to occupation)	£1,000
21.	Legible London Contribution for signage (Index Linked, paid 6 months prior to occupation)	£3,017
22.	Cycle Hire Contribution (Index Linked, paid 6 months prior to occupation) for 25 cycle hire docks on Uxbridge Street, to be delivered by TfL	£200,000
23.	Fit Out of Medical Centre to a specification approved by the NHS (Fit Out completed prior to occupation of dwellings)	Minimum of £1.5m
24.	Carbon Offsetting Contribution (Index Linked, payable prior to commencement)	£124,959
Monitoring fees		
25.	Section 106 Financial Monitoring Fee	£15,716.18
26.	Section 106 Non Financial Monitoring Fee	£500
		Approx. £2,245,863.18

- 7.7 The Council anticipates that the parties will submit a draft Section 106 bilateral agreement at the Inquiry. Subject to submission of a satisfactory legal agreement (with drafting agreed with the Council), it will address Grounds of Objection 3. The Council, however, reserves its position in respect of this reason for objection subject to the submission of a satisfactory legal agreement.

Statement of Common Ground

- 7.8 It is anticipated that areas of common ground between the Council and the Applicant will be established and agreed through a Statement of Common Ground.

Conclusions

- 7.9 The Council's evidence will demonstrate that the Application Proposals would be harmful to the setting of designated heritage assets. The Council does not consider that there are sufficient public benefits to outweigh the less than substantial harm to the setting of the designated heritage assets.
- 7.10 The Council's evidence will describe how the proposals would result in the loss of social rented homes within the borough. The Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable

housing. The Council's evidence will describe how alternative approaches to redeveloping the site can be conceived that would result in a more economic building, possibly containing more units, and therefore could provide more affordable housing on site without producing the same degree of harm to the townscape and setting of heritage assets.

- 7.11 There are no material considerations in the Application Proposals that would justify a grant of planning permission for development that would fail to accord with the statutory development plan. There are no conditions that would overcome the problems presented by the Application Proposals, and enable planning permission to be granted.
- 7.12 Therefore, the Inspector is respectfully requested to uphold the Council's Grounds of Objection to refuse planning permission.
- 7.13 In accordance with government guidance and without prejudice to the Council's case, Appendix 2 sets out a list of suggested conditions that would be necessary should the Inspector be minded to grant planning permission. The Council reserves the right to amend or add to this list should it prove necessary.

APPENDICES

Appendix 1 Initial Document and Policies List

It is anticipated that a full Core Document List of all Planning Application documents and documents submitted pursuant to the Mayor of London's Call-In will be agreed and produced with the other parties to this Inquiry, in advance of the opening of the Inquiry. In the interim the main Planning Application Documents can be found at [www.rbkc.gov.uk/PP/17/05782]. The Council reserve the right to produce and refer to any further documents as considered appropriate during preparation of evidence for the Public Inquiry.

Government policy and guidance, Development Plan documents and Council guidance

The Council reserves the right to refer to further policies, guidance, documents and appeal decisions which may be consider appropriate during preparation of evidence for the Public Inquiry.

See Section 5 above. All of these documents are publicly available:

- RBKC Saved UDP:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>
- RBKC Consolidated Local Plan:
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/local-plan/local-plan>
- RBKC Local Plan Partial Review:
<https://planningconsult.rbkc.gov.uk/consult.ti/LPPExam>
- London Plan:
<https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan>
- New London Plan:
<https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan>

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF, 2018):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf
- National Planning Policy Guidance (NPPG, 2016):
<https://www.gov.uk/government/collections/planning-practice-guidance>
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015):
<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/>
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (second edition, December 2017):

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

- Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA, 2013)
- An Approach to Landscape Character Assessment (2014):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691184/landscape-character-assessment.pdf
- Statutory List Entries:
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- Mayor of London's Supplementary Planning Guidance (SPGs):
<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes>
- RBKC Supplementary Planning Documents (SPDs):
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning-documents-and-guidance>
- RBKC Conservation Area Proposals Statements:
<https://www.rbkc.gov.uk/planning-and-building-control/heritage-and-conservation/conservation-areas/conservation-area>
- RBKC Supplementary Guidance - Draft Planning Obligations SPD (2018):
<https://planningconsult.rbkc.gov.uk/consult.ti/s106SPD/consultationHome>

Evidence Base Documents and Monitoring Reports

- Mayor's Housing Strategy, Mayor of London (2018):
<https://www.london.gov.uk/what-we-do/housing-and-land/tackling-londons-housing-crisis>
- Mayor's Environment Strategy, Mayor of London (2018):
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- Mayor's Transport Strategy, Mayor of London (2018):
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- London Plan Annual Monitoring Report 14 2016/17, Mayor of London (2018):
<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/monitoring-london-plan>
- Planning and Borough Development Monitoring Report 2017, RBKC (2018):
<https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/monitoring-report>
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- Employment Land Need and Availability Background Paper, RBKC (2016):
<https://planningconsult.rbkc.gov.uk/consult.ti/LPPRDP>
- London Office Policy Review 2017, GLA (2017):
https://www.london.gov.uk/sites/default/files/london_office_policy_review_2017_final_17_06_07.pdf
- RBKC Five Year Housing Land Supply and Housing Trajectory Supplementary Statement, RBKC (2018):
<https://planningconsult.rbkc.gov.uk/consult.ti/LPPRexam>
- Inspector's Interim Findings letter, PINS (2018):
<https://planningconsult.rbkc.gov.uk/consult.ti/LPPRexam>
- Letter from GLA concerning Further Modifications Consultation April 2018 (May 2018):
<https://planningconsult.rbkc.gov.uk/consult.ti/LPPRexam>
- The London Strategic Housing Land Availability Assessment 2017, GLA (November 2017):
https://www.london.gov.uk/sites/default/files/2017_london_strategic_housing_land_availability_assessment_0.pdf
- Proposals for delivery of new homes including social rent on Council owned land, RBKC (November 2018):
<https://www.rbkc.gov.uk/committees/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/669/Meeting/7823/Committee/1540/Default.aspx>

GLA correspondence

- 1.1 GLA Stage 1 report dated 29 November 2017
- 1.2 GLA Stage 2 report dated 26 March 2018
- 1.3 GLA Stage 3 report dated 18 September 2018

RBKC correspondence to the GLA

- 1.4 Council's consultation response dated 29 August 2018
- 1.5 Council's Representation Hearing Statement dated 11 September 2018

Appendix 2 Suggested Conditions

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2. Compliance with approved drawings

Except as required by conditions 5, 17, 45, 47, 48, 50, 51, 53, 54, 56, 57, 59, 63, 64, 65, 66 and 75 the development shall not be carried out except in complete accordance with the details shown on submitted plans:

Site location plans

P-SITE-AA(0-)001 A
P-SITE-AA(0-)002 A

Proposed floorplans

P-SITE-AA(0-)011 A
P-SITE-AA(0-)021 A
P-SITE-AA(0-)100 A
P-SITE-AA(0-)101 A
P-SITE-AA(0-)102 A
P-SITE-AA(0-)103 A
P-SITE-AA(0-)104 A
P-SITE-AA(0-)105 A
P-SITE-AA(0-)114
P-SITE-AA(0-)106 A
P-SITE-AA(0-)107 A
P-SITE-AA(0-)108 A
P-SITE-AA(0-)109 A
P-SITE-AA(0-)110 A
P-SITE-AA(0-)111 A
P-SITE-AA(0-)112 A
P-SITE-AA(0-)113 A

Proposed site sections

P-SITE-AA(0-)201 A
P-SITE-AA(0-)202 A
P-SITE-AA(0-)203 A
P-SITE-AA(0-)204 A
P-SITE-AA(0-)205 A
P-SITE-AA(0-)206 A

Proposed elevations

P-SITE-AA(0-)301 A
P-SITE-AA(0-)302 A
P-SITE-AA(0-)303 A
P-SITE-AA(0-)304 A

Individual buildings

P-KCS1-AA(0-)100 A
P-KCS1-AA(0-)101 A
P-KCS1-AA(0-)102 A
P-KCS1-AA(0-)201 A
P-KCS1-AA(0-)202 A
P-KCS1-AA(0-)203
P-KCS1-AA(0-)301 A
P-KCS1-AA(0-)302 A
P-KCS1-AA(0-)303 A

P-KCS2-AA(0-)100 A
P-KCS2-AA(0-)101 A
P-KCS2-AA(0-)102 A
P-KCS2-AA(0-)201 A
P-KCS2-AA(0-)301 A
P-KCS2-AA(0-)302 A
P-KCS2-AA(0-)303 A

P-WPB1-AA(0-)100 A
P-WPB1-AA(0-)101 A
P-WPB1-AA(0-)301 A
P-WPB1-AA(0-)302 A

P-WPB2-AA(0-)100 A
P-WPB2-AA(0-)101 A
P-WPB2-AA(0-)102 A
P-WPB2-AA(0-)200 A
P-WPB2-AA(0-)201 A
P-WPB2-AA(0-)300 A
P-WPB2-AA(0-)301 A

P-WPB3-AA(0-)301
P-WPB3-AA(0-)302

P-CB-AA(0-)011 A
P-CB-AA(0-)100 A
P-CB-AA(0-)101 A
P-CB-AA(0-)102 A
P-CB-AA(0-)103 A
P-CB-AA(0-)104 A
P-CB-AA(0-)105 A
P-CB-AA(0-)111
P-CB-AA(0-)112
P-CB-AA(0-)106 A
P-CB-AA(0-)107 A
P-CB-AA(0-)108 A
P-CB-AA(0-)109 A
P-CB-AA(0-)110 A
P-CB-AA(0-)201 A
P-CB-AA(0-)202 A
P-CB-AA(0-)203
P-CB-AA(0-)301 A

P-CB-AA(0-)302 A
 P-CB-AA(0-)303 A
 P-CB-AA(0-)304 A

P-CB-AA(4-)400 A
 P-CB-AA(4-)401 A
 P-CB-AA(4-)402 A

P-KCS1-AA(4-)400 A
 P-KCS1-AA(4-)401 A
 P-KCS1-AA(4-)402 A
 P-KCS1-AA(4-)403 A

P-WPB2-AA(4-)400 A
 P-WPB2-AA(4-)401 A

Reason - The details are material to the acceptability of the proposals, and to ensure accordance with the development plan.

3. **Use of Flat Roofs**

The areas of flat roof adjacent to the western site boundary at second floor level and shown on drawing P-SITE-AA(0-)102 A shall not be used at any time as a roof terrace except in case of emergency escape or for maintenance.

Reason - To protect the living conditions of those properties on Jameson Street and to comply with policy CL5 of the Consolidated Local Plan.

4. **Hours of Operation**

All ground floor commercial uses and events in the public square hereby approved shall not operate between 23:00 hours and 07:00 hours the following day.

Reason - To protect the living conditions of nearby residents and future occupiers of the development and to comply with policy CL5 of the Consolidated Local Plan.

5. **Health Facility Use**

Notwithstanding condition 2, the areas annotated as 'Flexible Surgery/ Office' at fourth, fifth and sixth floor levels on approved drawings P-SITE-AA(0-)104 A, P-SITE-AA(0-)105 A and P-SITE-AA(0-)114, shall only be used as a health facility and not for any other use which falls within Class D1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 and any subsequent amendments to the use classes order.

Reason - To protect the living conditions of nearby properties and ensure an acceptable impact on local transport, traffic and parking to comply with policies CL5, CE6 and CT1.

6. **Sound insulation between uses- Kensington Church Street buildings**

No development shall take place on the superstructure of the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the dwellings, and between the first floor dwellings and the ground floor commercial uses, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the

dwelling shall be occupied until the approved insulation scheme has been fully implemented.

Reason - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

7. **Sound insulation between uses- Corner building**

No development shall take place on the superstructure of the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the fourth floor dwellings and commercial uses below, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

Reason - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

8. **Sound insulation between uses- West Perimeter buildings**

No development shall take place on the superstructure of the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) before a scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the first floor dwellings and the commercial uses below, has been submitted to, and approved in writing by the Local Planning Authority. The sound insulation shall be installed and maintained only in accordance with the details so approved. None of the dwellings shall be occupied until the approved insulation scheme has been fully implemented.

Reason - To protect the amenities of nearby occupiers and to comply with policies CE6 and CL5 of the Consolidated Local Plan.

9. **Facade Construction- Kensington Church Street buildings**

No development shall commence (save for demolition, below ground works and temporary works) on the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade construction details of the buildings, including glazing, with commensurate composite sound insulation performance predictions, have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

Reason - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

10. **Facade Construction- West Perimeter buildings**

No development shall commence (save for demolition, below ground works and temporary works) on the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade construction details of the buildings, including glazing, with commensurate composite sound insulation performance predictions, have been submitted

to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

Reason - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

11. Facade Construction- Corner building

No development (save for demolition, below ground works and temporary works) shall commence on the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) until full facade construction details of the buildings, including glazing, with commensurate composite sound insulation performance predictions, have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233:2014 'Sound insulation and noise reduction for buildings'. The development shall be carried out in accordance with the details approved.

Reason - To ensure a satisfactory standard of accommodation, compliant with policy CL5 and CH2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

12. Vibration Dose Values

Vibration Dose Values (VDVs), as defined in BS6472-1:2008 Guide to evaluation of human exposure to vibration in building shall not exceed those in Table 1 of BS 6472. The measured or calculated VDVs generated as a result of the vibration affecting the development shall be adjusted as necessary to allow for transfer functions from the ground to the foundations and to all upper floors of the proposed development. Where it is predicted that Vibration Dose Values may exceed those of Table 1, at any floor of any building, then proposals to mitigate vibration to acceptable levels shall first be submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure a satisfactory standard of accommodation, compliant with policy CE6 and CH2 of the Consolidated Local Plan.

13. Energy Performance

The dwellings shall achieve 35% improvement over Part L of the 2013 Building Regulations in relation to energy performance.

Reason - To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Consolidated Local Plan

14. Water Efficiency

The dwellings shall achieve compliance with Optional Requirement G2 (2) (b) of Approved Document G of the Building Regulations 2010 and the dwellings shall not be occupied until Building Regulations approval has been issued in respect of that dwelling certifying that these criteria have been achieved.

Reason – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Consolidated Local Plan.

15. BREEAM Rating - New build non-residential

The non-residential floorspace shall achieve a BREEAM (new construction 2014) rating of Excellent. Each building forming part of the permission shall obtain a Post Construction Review Certificate certifying that a BREEAM rating of Excellent has been achieved within three months of first occupation of that floorspace.

Reason – To ensure that the development contributes to the attainment of sustainable development and to comply with policy CE1 of the Consolidated Local Plan.

16. Car Park Management Plan

Prior to the first use of the basement car park, a Car Park Management Plan should be submitted to, and approved in writing by the Local Planning Authority. This should include: details of the layout of the car park, demonstrating the final allocation of spaces between uses, the provision of 20% of car parking spaces with electric charging points, a further 20% with a passive energy supply for future use and provision of motorcycle parking at a minimum of 4 motorcycle spaces; details of the controls of means of entry to the car park, and; a proactive regime of car lift maintenance. The development shall be carried out, and the car park subsequently managed, in accordance with the details approved.

Reason- To ensure a satisfactory management regime for the car park to ensure an acceptable impact and local traffic and parking and to comply with policy CT1 of the Consolidated Local Plan.

17. Cycle Parking

Notwithstanding the details shown on the approved drawings, prior to commencement of works on the superstructure, details of all bicycle storage facilities across the site including the storage and the allocation of the spaces to the uses across the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved amended drawings and so maintained.

Reason- To ensure a satisfactory cycle parking layout and standard of cycle parking facilities and to comply with policy CT1 and CR4. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

18. Office Travel Plan

Prior to the first occupation of any office accommodation, an office travel plan shall be submitted to and approved in writing by the Local Planning Authority. The office use shall be carried out in accordance with the approved travel plan.

Reason- To ensure the end use would have an acceptable impact on local traffic and parking and to comply with policy CT1 of the Consolidated Local Plan.

19. Road Safety Audit

Prior to commencement of the development (save for demolition, below ground works and temporary works) a Stage 2 (detailed design) safety audit of the junction of Newcombe Street and Kensington Place junction shall be

undertaken and submitted to, and approved in writing by the Local Planning Authority.

Reason- To inform the layout of the new junction and to ensure the creation of a safe and high quality pedestrian environment, to comply with policies CT1 and CR3 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

20. Drainage Channel to Jameson Street

Prior to commencement of works on the superstructure, details of a drainage channel to be installed at the junction of Uxbridge Street and Jameson Street, shall be submitted to, and approved in writing by the Local Planning Authority. The drainage channel shall be installed in accordance with the details approved and shall be installed in full prior to occupation of any part of the development.

Reason - To ensure satisfactory drainage of surface water run off on Uxbridge Street and to main a safe vehicular and pedestrian environment.

21. No Vehicles in the Public Square

The public square hereby approved shall be accessible only to emergency vehicles, vehicles required for maintenance of the development, and vehicles necessary for the set-up and breakdown of events within the public square. It shall not be used by any other vehicles.

Reason- To ensure the provision of highest possible public space and to comply with policies CR3, CR5 and CT1 of the Consolidated Local Plan.

22. Servicing and Waste Management Plan- Commercial Uses

Prior to occupation of any commercial use, a Servicing and Waste Management Plan for all retail and office uses shall be submitted to and approved in writing by the Local Planning Authority. The commercial uses shall be managed in accordance with the approved plan.

Reason- To ensure satisfactory arrangements which safeguard highway and pedestrian safety and to comply with policies CT1, CE3 and CR7 of the Consolidated Local Plan.

23. Servicing and Waste Management Plan- Residential

Prior to occupation of the residential units, a Servicing and Waste Management Plan for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The residential units shall be managed in accordance with the approved plan.

Reason- To ensure satisfactory arrangements which safeguard highway and pedestrian safety and to comply with policies CT1, CE3 and CR7 of the Consolidated Local Plan.

24. Demolition Traffic Management Plan (DTMP)

No development shall commence until a Demolition Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) routing of demolition vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;

- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, or demolition work associated with the development;
- h) work programme and/or timescale for each phase of preparation, or demolition work associated with the development;
- i) details of measures to protect pedestrians and other highway users from demolition activities on the highway;
- j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land;
- k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements; and
- l) statement explaining agreement from Transport for London that the methodology would make appropriate provision for the continued safe and efficient operation of the bus stand and stops on Kensington Church Street.

The development shall be carried out in accordance with the approved Demolition Traffic Management Plan.

Reason - To minimise the impact of demolition works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CL7, CT1 and CL5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

25. Construction Traffic Management Plan CTMP)

No development (save for demolition) shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement should include:

- a) routeing of excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
- b) access arrangements to the site;
- c) the estimated number and type of vehicles per day/week;
- d) details of any vehicle holding area;
- e) details of the vehicle call up procedure;
- f) estimates for the number and type of parking suspensions that will be required;
- g) details of any diversion or other disruption to the public highway during preparation, excavation and construction work associated with the development;
- h) work programme and/or timescale for each phase of preparation, excavation and construction work associated with the development;
- i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
- j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land;

- k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements; and
- l) statement explaining agreement from Transport for London that the methodology would make appropriate provision for the continued safe and efficient operation of the bus stand and stops on Kensington Church Street.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason - To minimise the impact of construction works upon highway safety and nearby residents' enjoyment of their properties in accordance with the Basements SPD and policies CL7, CT1 and CL5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

26. Surface Water Drainage Strategy

No development (save for demolition) shall commence until a Surface Water Drainage Strategy which achieves greenfield run-off rates has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public sewer system until the drainage works referred to in the strategy have been completed.

Reason- The development may lead to sewage flooding, to ensure that sufficient capacity is made available to cope with the new development, and in order to avoid adverse environmental impact on the community and comply with policy CE2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

27. Sewer water flooding

No part of the development hereby permitted shall be occupied until a positively pumped device has been installed within the development to prevent sewer water flooding to the basement levels.

Reason- To protect future occupants and users of the development against sewer flooding and to comply with policies CE2 and, CL5, CL7 of the Consolidated Local Plan.

28. Sustainable Urban Drainage Systems

Prior to the occupation of the relevant part of the development, the sustainable urban drainage systems of green roofs and attenuation tanks at basement level identified within the Arup Technical Report Summary dated July 2018, shall be fully installed and be so maintained.

Reason- To ensure that appropriate measures to reduce surface water runoff are installed within the development and to comply with policies CE2 and CL7 of the Consolidated Local Plan.

29. Protection of Bats

Prior to the occupation of any part of the development, details of measures to be incorporated to improve biodiversity within the development and enhance the site for bat species shall be submitted to and approved in writing

by the Local Planning Authority in accordance with the findings of the Bat Survey Report (September 2017) and the approved measures shall be carried out in full and shall be so maintained.

Reason- To ensure that bats remain appropriately accommodated on the site and to adhere to policies CR5, CR6 and CE4 of the Consolidated Local Plan 2015.

30. Contamination – preliminary risk assessment report

No development shall commence, save for demolition, until a Preliminary Risk Assessment Report comprising:

- a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses;
- information from site inspection;
- a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and
- a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials

has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

31. Contamination – Site Investigation Scheme

No development shall commence until a Site Investigation Scheme has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan. (You are advised that the Scheme must be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater, and will be a matter of public record). It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

32. Contamination – Site investigation and quantitative risk assessment

No development shall commence, save for demolition, until a site investigation has been undertaken in compliance with the approved Site

Investigation Scheme and a Quantitative Risk Assessment Report has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing). It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

33. Contamination – Remediation method statement

If identified as necessary by the site investigation and quantitative risk assessment, no development shall commence (save for demolition) until a Remediation Method Statement to address the results of the Site Investigation Scheme has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

34. Contamination – Verification report

If identified as necessary by the site investigation and quantitative risk assessment, no development shall commence (save for demolition) until the measures identified within the approved Remediation Method Statement has been carried out in full and a Verification Report confirming:

- (i) completion of these works;**
- (ii) details of the remediation works carried out;**
- (iii) results of any verification sampling, testing or monitoring including the analysis of any imported soil;**
- (iv) classification of waste, its treatment, movement and disposal;**
- (v) and the validation of gas membrane placement.**

has been submitted to, and approved in writing, by the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

35. Contamination – Unexpected

If during development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing).

36. Protection of trees during construction – Details required

No development shall commence until full particulars of the methods by which the retained street trees adjacent to the site on Kensington Church Street are to be protected during site preparation, demolition, construction, landscaping, and other operations on the site including erection of hoardings, site cabins, or other temporary structures, have been submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the details so approved.

Reason - To ensure that the trees are adequately protected, to safeguard their contribution to the appearance and amenity of the area and accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

37. Trees and landscaping – Details required

The areas of public realm shall not be first available for use until a scheme of landscaping, to include proposed trees and shrubs, has been submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan.

38. Planting and replanting

All tree and shrub planting forming part of the plans and details approved through this planning permission shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner. Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason - To protect the appearance and amenity of the area and to accord with policies of the development plan, in particular policy CR6 of the Consolidated Local Plan.

39. Low Emission Strategy required

Prior to commencement on the superstructure, a Low Emission Strategy shall have been submitted to, and approved in writing by, the local planning authority. The strategy shall include a comparison of emissions against London Plan emission benchmarks for buildings and transport and Band B emission standards for combustion plant. This shall include all traffic and combustion plant emissions generated by the development and include measures to reduce emissions from the operational development. The

strategy shall detail the emission reduction strategies to be incorporated including proposals for boiler/plant abatement equipment. The development shall be carried out only in accordance with the strategy so approved.

Reason - To comply with the requirements of the NPPF and policy CE5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised.

40. Combustion Plant- Pre Installation

Prior to installation of any combustion plant, including temporary installations, details to show that any chimney stack/flue will be located away from ventilation intakes or accessible areas (by a minimum of 3m above accessible areas) and at a sufficient height and discharge velocity to disperse the exhaust emissions, and details of the selected combustion plant (including abatement equipment), their emissions and maintenance schedules shall be provided to and approved in writing by the Local Planning Authority. Boilers shall have NO_x emissions not exceeding 37mg/kwh of dry NO_x (at 0% O₂) and CHP plant not exceeding 95mg/Nm², at 5% O₂.

Reason- To control the impact of development on air quality and to comply with policy CE5 of the Consolidated Local Plan and policy 7.14 of the London Plan.

41. Combustion Plant

Prior to occupation of the development, no Combined Heat and Power (CHP) plant shall be used without the fitting of the appropriate abatement equipment or technologies to meet, as a minimum, the Band B emissions standard (95mg/Nm², at 5% O₂). A NO_x emissions test must be carried out by an accredited competent person and the test certificate and evidence of equipment maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. The CHP plant shall be maintained in accordance with the maintenance schedule.

Reason- To control the impact of development on air quality and to comply with policy CE5 of the Consolidated Local Plan and policy 7.14 of the London Plan.

42. Demolition Environmental Management Plan (DEMP)

No development shall commence until a site specific Demolition Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority, and the development shall be carried out only in accordance with the Plan so approved

Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London's Best Practice Guidance 'Control of dust and emissions from construction and demolition'. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

43. Construction Environmental Management Plan (CEMP)

No development (save for demolition) shall commence until a site specific Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority, and the development shall be carried out only in accordance with the Plan so approved

Reason - To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan in ensuring that effects upon air quality in the area are minimised and to accord with the Mayor of London's Best

Practice Guidance 'Control of dust and emissions from construction and demolition'. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

44. Ventilation

The residential units shall not exceed the national Air Quality Objectives for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). Details of measures to be taken to ensure compliance with this target are to be submitted prior to occupation of any residential unit and the system shall be so maintained in accordance with the submitted details.

Reason- To comply with the requirements of the NPPF and policies CE3, CE5, CE6, and CL5 of the Consolidated Local Plan and London Plan policy 7.14 in ensuring that effects upon air quality in the area are minimised.

45. Details to be submitted- Notting Hill Gate building

Notwithstanding condition 2, no development shall commence on the building fronting Notting Hill Gate (as defined on page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

46. On site sample panel- Notting Hill Gate building

No development shall commence pursuant to the Notting Hill Gate building (as defined in page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 45, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

47. Details to be submitted- Notting Hill Gate building

Notwithstanding condition 2, no part of the Notting Hill Gate building (as defined on page 80 of the Design and Access Statement dated September 2017) shall be first occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the treatment of the intensive garden
- b) detailed drawings of the shop fronts

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

48. Details to be submitted- West Perimeter buildings

No development shall commence on the west perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

49. On site sample panel- West Perimeter buildings

No development shall commence pursuant to the west perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 48, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

50. Details to be submitted- West Perimeter buildings

Notwithstanding condition 2, no part of the West Perimeter buildings (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the

development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the treatment of the intensive garden
- b) detailed drawings of the shop fronts
- a) detailed drawings of the car lift entrance including treatment of doors

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

51. Details to be submitted- Cube building

Notwithstanding condition 2, no development shall commence on the Cube building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

52. On site sample panel- Cube building

No development shall commence pursuant to the Cube building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 51, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

53. Details to be submitted- Cube building

Notwithstanding condition 2, no part of the Cube building (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the car lift entrance including treatment of doors
- b) detailed drawings of ground floor entrances

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

54. Details to be submitted- Kensington Church Street buildings

Notwithstanding condition 2, no development shall commence on the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows and balustrades (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

55. On site sample panel- Kensington Church Street buildings

No development shall commence pursuant to the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 54, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

56. Details to be submitted- Kensington Church Street buildings

Notwithstanding condition 2, no part of the Kensington Church Street buildings (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of shopfronts
- b) detailed drawings of treatment of the roof level plant room

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

57. Details to be submitted- Corner building

Notwithstanding condition 2, no development shall commence on the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) samples of all facing materials
- b) detailed elevations, plans and sectional drawings of external materials including windows (at scale 1:20)

Reason- In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

58. On site sample panel- Corner building

No development shall commence pursuant to the Corner building (as defined at page 80 of the Design and Access Statement dated September 2017) (save for demolition, below ground works and temporary works) until sample panels of facing materials, as approved in condition 57, showing the colour, texture, facebond and joints, to be used on the external faces of the building have been provided on site and approved in writing by the Local Planning Authority and the sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved and shall be so maintained.

Reason - In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

59. Details to be submitted- Corner building

Notwithstanding condition 2, no part of the corner building (as defined at page 80 of the Design and Access Statement dated September 2017) shall be occupied until full particulars of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved and shall be so maintained:

- a) detailed drawings of the treatment of the intensive gardens
- b) detailed drawings of all ground floor entrances
- c) detailed drawings of all shopfronts

Reason - In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL2 of the Consolidated Local Plan.

- 60. Public Realm Materials and Finishes**
 Prior to commencement of superstructure on any building subject of this planning permission details of the material and finishes to the ground level of the public square and its accesses shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out only in accordance with the details approved.
Reason - To ensure a high quality appearance and finish the public square which is contextual to the townscape and to ensure compliance with policies CL1, CL2, CR4, CR3 and CR5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.
- 61. Public Realm- Sample Area**
 Prior to commencement of superstructure on any building subject of this planning permission, a sample area of the materials and finishes for the ground level of the public square and its accesses, as approved by condition 60 shall be provided on site and approved in writing by the Local Planning Authority and the samples shall be retained on site until the work is completed. The development shall be carried out in accordance with the details so approved.
Reason - To ensure a high quality appearance and finish the public square which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.
- 62. Public Realm Lighting**
 Prior to the first use of the public square, details of a lighting strategy for all areas of public realm, including undercroft areas and Uxbridge Street, shall be submitted to, and approved in writing by the Local Planning Authority. The lighting strategy shall be installed in full accordance with the approved strategy prior to the occupation of the first residential unit and so maintained.
Reason - To ensure the safety of future occupants and users of the site and ensure a high quality public realm and comply with policies CL1, CL2, CR4, CR3 and CR5 of the Consolidated Local Plan.
- 63. Amended Details of Roof Terrace- Corner building**
 Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Corner Building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the Corner Building, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.
Reason- To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.
- 64. Amended Details of Roof Terrace- Kensington Church Street building**
 Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Kensington Church Street building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on these buildings, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an

approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.

Reason - To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.

65. Amended Details of Roof Terrace - Notting Hill Gate building

Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the Notting Hill Gate Building (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the Notting Hill Gate building, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.

Reason - To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.

66. Amended Details of Roof Terrace - West Perimeter Buildings

Notwithstanding the details shown on the approved drawings, prior to occupation of any residential unit in the West Perimeter Buildings (as defined at page 80 of the Design and Access Statement dated September 2017), revised drawings of the roof terrace on the West Perimeter buildings, including amended locations of balustrades to be set back from the building edges, and a revised scheme of landscaping and planters, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the drawings approved.

Reason - To ensure a high quality appearance and finish the development which is contextual to the townscape and to ensure compliance with policies CL1 and CL2.

67. Professional management of engineering works

No development shall commence until

(A) a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority, and

(B) the name, and contact details of the person supervising engineering and construction on site for the duration of building works have been confirmed in writing to the Local Planning Authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer and supervisor are at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Basements SPD and policy CL7 of the Consolidated Local Plan 2015. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a

later time would result in unacceptable harm contrary to the policies of the Development Plan

68. Considerate Constructors Scheme (CCS)

No development shall commence until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme (CCS) and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and shall thereafter be maintained on display throughout the duration of the works forming the subject of this permission.

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements SPD and policy CL5 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

69. LUL Infrastructure Protection

No development shall commence until a detailed method statement which accommodates the location of the existing London Underground structures has been agreed with London Underground Limited and has then been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of all foundations, basement and ground floor structures and any other structures below ground level, including piling (temporary and permanent). The development thereafter shall be carried out in accordance with the approved design and method statements.

Reason - To ensure that the development does not impact on existing London Underground transport infrastructure in accordance with London Plan Policy 3C.4 and 'Land for Transport Functions' Supplementary Planning Guidance. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

70. Accessibility

At least 90% of residential units within the development shall achieve compliance with Optional Requirement M4(2) of Approved Document M of the Building Regulations 2010 and at least 10% shall achieve compliance with Optional Requirement M4(3)(2)(a) of Approved Document M of the Building Regulations 2010. Prior to commencement of works on the superstructure, plans demonstrating which of the units will achieve these standards should be submitted to and approved in writing by the Local Planning Authority. None of the specified units shall be occupied until Building Regulations approval has been issued certifying that these criteria have been achieved in respect of those units.

Reason – To ensure satisfactory provision for people with disabilities and meet the changing needs of households in accordance with development plan policies in particular policy CH2(b) of the Consolidated Local Plan.

71. **Wind Mitigation**
 The mitigation measures identified in section 33 of the ‘Pedestrian Level Wind Microclimate Assessment’ by RWDI dated 6 September 2017 shall be implemented in full prior to the first occupation of the development.
Reason - To ensure a high quality outdoor public space around the site and ensure compliance with policies CR3 and CR4 of the Consolidated Local Plan.
72. **Air Quality Assessment**
 No development shall commence until an Air Quality Impact Assessment has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and so maintained.
Reason - To comply with the requirements of the NPPF and policy CE5 of the Consolidated Local Plan
73. **Treatment of Western Flank Wall**
 Prior to the commencement of development (save for demolition, below ground works and temporary works) on the West Perimeter Building 1 (as defined on page 80 of the Design and Access Statement dated September 2017), details of the treatment of the western elevation of West Perimeter Building 1 must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details and shall be so maintained.
Reason - In order to safeguard the architectural quality of the development and the character and appearance of the area in accordance with policy CL5 of the Consolidated Local Plan
74. **Retail units**
 The units annotated as “retail” on drawing nos. P-SITE-AA(0-)011 A and P-SITE-AA(0-)100 A shall be retained for purposes only falling within Class A1 or Class A3 of the Town and Country Planning (Use Classes) Order 1987. At any time, a minimum of 10 such units shall be used for purposes falling within Class A1.
Reason - In order to ensure an appropriate mix of uses in compliance with the Development Plan.
75. **Non Road Mobile Machinery (NRMM)**
 No development shall commence until details of all Non-Road Mobile Machinery (NRMM) to be used on the development site have been submitted to and approved in writing by the local planning authority. All NRMM shall meet as a minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent amendments unless it can be demonstrated that Stage IIIA equipment is not available. An inventory of all NRMM shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. All NRMM shall be regularly serviced and service logs kept on site for inspection. Records shall be kept on site which details proof of emission limits for all equipment.
Reason - To comply with Consolidated Local Plan policy CE5, London Plan policy 7.14 a, b, and c and the NPPF.
76. **Privacy**
 Notwithstanding condition 2, the windows to the fourth, fifth and sixth floor levels of West Perimeter Building 3 (as defined at page 80 of the Design and Access Statement dated September 2017) adjacent to the Corner Building

fronting the public square shall be obscurely glazed and fixed shut at all times.

Reason - To protect the amenities of nearby occupiers and to comply with policy CL5 of the Consolidated Local Plan.

77. Code of Construction Practice

No development shall commence until the Code of Construction Checklist and Site Construction Management Plan (SCMP) for the development have been approved in writing by the Council's Construction Management Team, and copies of the approved Checklist and Plan, and their written approval, have been submitted to the local planning authority.

Reason - To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy, and to comply with the Basements and Transport and Streets SPDs and policies CL5, CT1, CE5 and CE6 of the Consolidated Local Plan 2015. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.